

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HECTOR PEREZ ENRIQUEZ,

Plaintiff,

v.

BARBARA MADSEN, et al.,

Defendants.

CASE NO. C15-5065 BHS

ORDER REVOKING
PLAINTIFF'S IN FORMA
PAUPERIS STATUS

This matter comes before the Court on the limited referral from the Ninth Circuit Court of Appeals to determine whether Plaintiff Hector Perez Enriquez's ("Enriquez") *in forma pauperis* status should continue for his appeal.

On March 6, 2015, the Court granted Enriquez's motion to proceed *in forma pauperis*. Dkt. 5. On May 12, 2015, the Court dismissed Enriquez's complaint. Dkt. 12. On May 29, 2015, Enriquez appealed. Dkt. 14. On June 4, 2015, the Ninth Circuit referred the matter to this Court to determine the single issue of Enriquez's *in forma pauperis* status.

An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith. 28 U.S.C. § 1915(a)(3).

1 In this case, the Court concludes that Enriquez's appeal is frivolous. Enriquez's
2 claims are not cognizable under 42 U.S.C. 1983 because they relate to the validity of his
3 state court convictions and are barred under *Heck v. Humphrey*, 512 U.S. 477 (1994), the
4 complaint makes allegations against defendants who are immune from § 1983 liability,
5 and this Court lacks jurisdiction to issue the declaratory and injunctive relief requested.
6 Therefore, the Court **REVOKES** Enriquez's *in forma pauperis* status for purposes of
7 appeal.

8 **IT IS SO ORDERED.**

9 Dated this 8th day of June, 2015.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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